



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/383,759 08/26/99 JUNQUA J 9432-000082

WM51/1025

HARNESS DICKEY & PIERCE PLC
P O BOX 828
BLOOMFIELD HILLS MI 48303

EXAMINER

TRAN, H

ART UNIT

PAPER NUMBER

2611

DATE MAILED:

10/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/383,759

Applicant(s)

JUNQUA ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
 2. ☐ received in Application No. (Series Code / Serial Number) ____.
 3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3, 5, 6, 8, 9, 11 and 12 rejected under 35 U.S.C. 102(b) as being unpatentable by Young et al. (US 5353121).

Regarding claim 1, Young et al. discloses a file system for organizing recorded items of program content, comprising:

A memory having a data structure for storing the location of a recorded item of program content in association with at least one electronic program guide attribute selected from the group consisting of: program title identifier, program category, broadcasting network, date of broadcast, time of broadcast, actors and directors (Fig.13, Col.12, lines 36-51).

An interface for receiving EPG attribute information about a specific item of program content to be stored (fig.19 and 20; Col.4, lines 49-Col.5, lines 10).

A file writes mechanism that automatically stores the EPG attribute information about the item of program content to be stored in the data structure (Col.4, lines 52-59 and Col.12, lines 43-51); and

A file read mechanism that ascertains the storage location of a recorded item of program content based on the at least one EPG attribute accessed from the data structure (Col.12, lines 52-60).

Regarding claim 3, Young further discloses wherein the data structure further includes at least one user data attribute in association with the location of a recorded item of program content (Col.12, lines 46-49).

Regarding claim 5, Young further discloses the user data attribute stores at least one user-defined index that identifies a user-defined location within a recorded item (Col.11, lines 25-46).

Regarding claim 6, Young further discloses comprising storage system maintenance system that selectively erases previously recorded items of program content based at least in part upon the user data attribute (Col.13, lines 15-29).

Regarding claim 8, Young shows wherein the interface for receiving EPG guide information comprises a tuner for retrieving EPG from a supplier of program content (Fig.22A, element 202).

Regarding claim 9, same analysis with respect to method claim 1.

Regarding claim 11, Young further discloses wherein the storage medium is a tape memory (Fig.22B, element 252).

Regarding claim 12, Young further discloses wherein the storage medium is an electronic memory (Fig.22A, elements 234, 236, 238, 240).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 5353121) in view of Schein et al. (US 6075575).

Regarding claim 2, Young et al. does not specifically disclose the user interface EPG could ~~the~~ interact with a natural language dialog system.

Schein et al. teaches the use of a natural language dialog system (a voice recognition device) that interacts with the file read mechanism for supplying EPG attribute inquires to the read mechanism based on spoken requests of users (Col.6, lines 12-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young by integrating a voice recognition device so that the system could receive spoken commands from the viewer and converting the spoken commands into signals to facilitate use of television schedule information as suggested by Schein (Col.6, lines 13-15).

Regarding claim 7, Schein further discloses wherein the interface for receiving the EPG information comprises an Internet access system capable of accessing at least one internet-based provider of EPG information (Col.12, lines 13-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify Young by providing a systems and methods for providing EPG to viewer through Internet in order to allow user to link, search, select and interact with information in a remote database on the internet.

Regarding claim10, Schein further discloses wherein the storage medium is a disk memory (Fig.3, element 66).

3. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 5353121) in view of Ohno et al.(US 5761371).

Regarding claim 4, Young et al. does not specifically disclose the user data attribute stores a record of when the item of program content was viewed by user.

Ohno et al. discloses the user data attribute stores a record of when the item of program content was viewed by user (Fig.6, element Y, Col.6, lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young by assigning a symbol that represent eyes in the open state or the like as a data attribute in order to indicate the item of program content was viewed by user and history of play-back of the tape.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zahavi (US 5410367) shows a television program scheduler for providing an indication to a user that a television program is about to start.

Schein et al (US 6002394) shows a system and methods for linking television viewers with advertisers and broadcasters.

Klosterman et al. (US 6078348) shows a television schedule system with enhanced features.

Young et al. (US 5949954) shows system and process for control of recording and reproducing apparatus.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to:

(703) 308-9051, (for formal communication intended for entry)

or:

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

HT:ht
10/17/00


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
GROUP 2600